

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MYRNA WILLIAMS,

Plaintiff,

v.

Case No.

UNITED STATES OF AMERICA,

Defendant.

COMPLAINT FOR MEDICAL MALPRACTICE AND DAMAGES

COMES NOW Plaintiff Myrna Williams, by and through her attorneys, FINE LAW FIRM (Joseph M. Fine and Charlotte L. Itoh) and for her Complaint against Defendant states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter and parties to this action pursuant to the jurisdiction conferred upon it by 28 U.S.C. § 1331 and 28 U.S.C. § 1346(b).
2. Venue is proper in this district because Plaintiff is a resident of New Mexico, and all of the acts complained of occurred in New Mexico. Plaintiff's cause of action arose in New Mexico.
3. Plaintiff submitted an administrative claim for the claims set forth below to the U.S. Department of Health and Human Services, which acknowledged receipt of the claim.
4. Plaintiff's administrative claim was not disposed within six (6) months of submission, and so the claim is deemed denied pursuant to 28 U.S.C. § 2675(a).

PARTIES

5. At material times, Plaintiff was a resident of New Mexico.

6. At materials times, Indian Health Service (“IHS”) was an agency of the U.S. Department of Health and Human Services.

7. The United States of America is the proper party to be sued under the Federal Tort Claims Act.

FACTUAL ALLEGATIONS

8. On or about November 4, 2014, Plaintiff was treated for sore throat pain at Crownpoint Healthcare Facility, a facility operated by IHS in Crownpoint, New Mexico.

9. Plaintiff was given the wrong medication - a high dose of epinephrine - intravenously by a nurse at the facility.

10. Plaintiff immediately suffered damage to her heart, went into critical condition, and had to be airlifted to Presbyterian Hospital in Albuquerque, New Mexico for emergency treatment.

COUNT I - MEDICAL NEGLIGENCE

11. In undertaking the care and treatment of Plaintiff, the medical staff of the Crownpoint Healthcare Facility were under the duty to possess and apply the knowledge and use the skill and care that are ordinarily used by a reasonably well-qualified and trained medical staff.

12. The duly authorized agents and employees of the Crownpoint Healthcare Facility, while acting within the scope of their authority, were negligent in departing from the standard of knowledge, skill and care of a reasonably well-qualified and trained medical staff and were negligent in treating Plaintiff. Such negligence includes, but is not limited to, administering the wrong medication to Plaintiff.

13. As a result of the negligence of the agents and employees of the Crownpoint Healthcare Facility, Plaintiff experienced a medical crisis which necessitated extensive medical treatment and caused Plaintiff significant damages including medical expenses, pain and suffering, emotional distress, loss of enjoyment of life and lost wages.

14. Under the concepts of *respondeat superior* and/or ostensible agency, Defendant is responsible for the negligent conduct of its duly authorized agents and employees.

WHEREFORE, Plaintiff respectfully requests that this Court award her damages, costs, pre-judgment interest, post-judgment interest and any such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Joseph M. Fine
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